

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

Thomas L. Terry
#ET-2540-801 Butler Pike
MERCER, PA-16137-9651

Civil Action No. 08-192

v.

Full name, title, and business address
of each defendant in this action:

1 Donetta W. Ambrose Judge
3280 U.S. Post Office, Courthouse
700 Grant St. Pgh, PA 15219

FILED

APR 8 2008

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

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Use additional sheets, if necessary
Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? S.C.I.-MERCER

What sentence are you serving? 8 to 20

What court imposed the sentence? Common Pleas

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs Thomas L. Terry - Defendants Helen Lynch,

James McGregor, James Heyl, Laura Fleck, Rachelle Terry

Defendants Robert E. Colville, Kimber Keley Clark,

Stephen Zappala Jr., Ronald Waddy, Margaret Gold,

2. Court (if federal court, name the district; if state court, name the county) and docket number
Common Pleas Court, Civil Action No. BD-07-00-3616

3. Name of judge to whom case was assigned Hon. R. Stanton Wettick Jr.

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed

5. Approximate date of filing lawsuit 02-21-07 / 9-27-06

6. Approximate date of disposition 10/27/07

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A
When? N/A
Result: N/A

III. What federal law do you claim was violated? 1983, 1985(2)(3)

1986, 1988, Civil Rights 1871, Perjury, Fraud False statement, Fraud
U.S. Const. 5th, 6th, 7th, 8th, 13th, 14th, Amendments & Conspiracy ect.
IV. Statement of Claim Tamper with evidence, Fraudulent concealment of evidence
Obstruction of Justice

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: Count Date 7-6-9-93 Event 9-24-91
Common Pleas Court

B. Place of event: Allegheny Courthouse Pittsburgh PA.

C. Persons involved—name each person and tell what that person did to you:

Attached

- V. Did the incident of which you complain occur in an institution or place of custody in this District?
If so, where? Common Pleas Court Allegheny County Pgh, PA

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?
Yes () No (☒)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes () No (☒)
- C. If your answer is YES,
1. What steps did you take? N/A
 2. What was the result? N/A
- D. If your answer is NO, explain why not: My Case is involve in This Action Section 1983, 1985(2)(b) ect.
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?
Yes () No (☒)
- F. If your answer is YES,
1. What steps did you take? N/A
 2. What was the result? N/A

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Appointment of Counsel, That A Evidentiary Hearings Be Granted and sanction place on Defendant(s) and DA's office

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

4-4-08
(Date)

Thomas L. Perry
(Signature of Plaintiff)

III. WHAT FEDERAL LAW DO YOU CLAIM WAS VIOLATED?

CONSPIRACY AGAINST RIGHTS OF CITIZENS; EQUAL PROTECTION U.S.C.A. CONST. AMEND XIV, § 1., CIVIL RIGHT ACT 1871, FED.R.CIV.PROC. RULE 9(b) PLEADING SPECIAL MATTER(A)(B)(C), FRAUD, MISTAKE, CONDITION OF THE MIND; FALSE STATEMENTS MADE UNDER OATH CONSTITUTE PERJURY; CIVIL RIGHTS ACT OF 1964 TITLE VII PROHIBITION OF DISCRIMINATION "BECAUSE OF SEX PROTECTS MEN AS WELL AS WOMEN CIVIL RIGHTS ACT OF 1964 § 703(a), 18 § 703(a)(1), AS AMENDED 42 U.S.C.A. § 2000e-2(a)(1); PERJURY 18 § 1621(1)(2), § 1622, § 1623(a)(b)(c); § 241; OBSTRUCTION OF JUSTICE, JURISDICTION OF DISTRICT COURT OVER ACTION UNDER THIS SECTION 28 U.S.C.A. 1334; U.S.C.A. § 2000h-2 AUTHORIZING UNITED STATES TO INTERVENE IN PRIVATE ACTION FOR RELIEF FROM DENIAL OF EQUAL PROTECTION OF LAW UNDER FOURTEENTH AMENDMENT ON ACCOUNT OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. 19 ALR FED 731 (§7 SUPERSEDED BY MEANING OF TERM CORRUPTLY; ACTION UNDER 42 U.S.C.A. §1985(2)(3) OBSTRUCTION OF JUSTICE; CONCEALMENT OF FRAUDULENT TESTIMONY. 5TH, 6TH, 7TH, 8TH, 13TH, 14TH, AMENDMENTS OF THE UNITED STATES CONST.

IV. STATEMENT OF CLAIM

(STATE HERE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. IF YOU INTEND TO ALLEGE A NUMBER OF RELATED CLAIMS, NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. ATTACH EXTRA SHEET IF NECESSARY.)

A. DATE OF EVENT: ALLEGHENY COUNTY COURTHOUSE, PITTSBURGH PENNSYLVANIA 15219. 436 GRANT STREET COMMON PLEAS COURTHOUSE.

B. PLACE OF EVENT: ALLEGHENY COUNTY PITTSBURGH PA. EVENT TOOK PLACE IN WILKINSBURGH PA. ON SOUTH AVENUE.

C. PERSONS INVOLVED-NAME EACH PERSON AND TELL WHAT THAT PERSON DID TO YOU. ATTACHED.

IV. STATEMENT OF CLAIM:

(STATE HERE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. IF YOU INTEND TO ALLEGE A NUMBER OF RELATED CLAIMS, NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. ATTACH EXTRA SHEET IF NECCSSARY).

1. EXPERT WITNESS, THE EMERGENCY ROOM PHYSICIAN WHO EXAMINED MRS RACHELLE TERRY, DID NOT FIND ANYTHING SIGNIFICANTLY WRONG WITH MRS RACHELLE TERRY, OR NEUROLOGIC EXAM., THE EMERGENCY ROOM DICTOR WAS ADMITTING PHYSICIAN ON 9/24/91, DOCTOR PANTALONE, TRANSCRIPT (213-PARGARAPH 5-Q, 18-Q).
2. DEFENDANT MRS RACHELLE TERRY, A WITNESS FOR THE COMMON PLEAS COURT ON JULY 6-9,93, TESTIFY ON THE RECORDS THAT SHE RECEIVED OVER (20) STITCHES IN HER HEAD ALSO RIGHT AND LEFT SIDE OF THE HEAD MULTIPLE LACERATION REPORTED AT .TRANSCRIPT (49-23-A) THE DEFENDANT MRS RACHELLE TERRY, ENTER INTO EVIDENCE FALSE AND PERJURIOUS TESTIMONY DURING TRIAL ON JULY 6-9,1993, MRS RACHELLE TERRY IS IN VIOLATION OF PERJURY AND FALSE STATEMENTS FRAUD.
3. DEFENDANT SHELLEY STARK, ON APPEAL TO BOTH SUPERIOR AND SUPREME COURT WILLFULLY REFUSED TO DISCLOSE THE CONSPIRACY INSTITUTED BY DETECTIVE JAMES HEYL, RACHELLE TERRY, LAURA BETH FLECK, KIMBERKELEY CLARK, JAMES MCGREGOR , ROBERT E. COLVILLE, ALL THE PUBLIC DEFENDER WAS IN-FORMED BY PLAINTIFF THOMAS L. TERRY, OF THE PERJURIOUS TESTIMONY OF WITNESSES AT TRIAL AND DURING MOTION FOR NEW TRIAL AND/OR ARREST OF JUDGMENT NUNC PRO TUNC HEARING ON 7/23/93, OF THE CONSPIRACY. DEFENDANT SHELLEY STARK, IS IN VIOLATION OF HER DUTIES UNDER RULES OF PROFESSIONAL CONDUCT OUTLINED IN THE AMENDED COMPLAINT, FAILED TO REPORT UNPRIVILEGED KNOWLEDGE TO A TRIBUNAL OR OTHER AUTHORITY EMPOWERED TO INVESTIGATE OR ACT UPON SUCH VIOLATION AND SUCH MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT OF COMMON PLEAS, THE JURY AND PEOPLE OF THIS COMMONWEALTH.

4. DEFENDANT CANDACE CAIN, FEDERAL PUBLIC DEFENDER, REPRESENTED PLAINTIFF THOMAS L. TERRY, DURING HIS APPEALS TO BOTH SUPERIOR AND SUPREME COURT WILLFULLY REFUSED TO DISCLOSE THE CONSPIRACY INSTITUTED BY DETECTIVE JAMES HEYL, RACHELLE TERRY, LAURA BETH FLECK, KIMBERKELEY CLARK, JAMES MCGREGOR, ROBERT E. COLVILLE; ALL PUBLIC DEFENDER WAS INFORMED BY PLAINTIFF THOMAS L. TERRY, OF THE PERJURIOUS TESTIMONY OF WITNESSES AT TRIAL AND DURING MOTION FOR NEW TRIAL AND/OR ARREST OF JUDGMENT NUNC PRO TUNC HEARING ON 7/23/93, OF THE CONSPIRACY. DEFENDANT SHELLEY STARK, IS IN VIOLATION OF HER DUTIES UNDER RULES OF PROFESSIONAL CONDUCT OUTLINED IN THE AMENDED COMPLAINT, FAILED TO REPORT UNPRIVILEGED KNOWLEDGE TO A TRIBUNAL OR OTHER AUTHORITY EMPOWERED TO INVESTIGATE OR ACT UPON SUCH VIOLATION AND SUCH MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT OF COMMON PLEAS, THE JURY AND PEOPLE OF THIS COMMONWEALTH.

5. DEFENDANT LESTER G. NAUHAUS, PUBLIC DEFENDER, ESQ., REPRESENTED PLAINTIFF DURING HIS APPEAL TO BOTH SUPERIOR AND SUPREME COURT AND AT TRIAL ON 7/6-9, 93, IN THE COURT OF COMMON PLEAS WILLFULLY REFUSED TO DISCLOSE THE CONSPIRACY INSTITUTED BY DETECTIVE JAMES HEYL, RACHELLE TERRY, LAURA BETH FLECK, KIMBERKELEY CLARK, JAMES MCGREGOR, ROBERT E. COLVILLE; ALL PUBLIC DEFENDER WAS INFORMED BY PLAINTIFF THOMAS L. TERRY, OF THE PERJURIOUS TESTIMONY OF WITNESSES ABOVE AT TRIAL AND DURING MOTION FOR NEW TRIAL AND/OR ARREST OF JUDGMENT NUNC PRO TUNC HEARING ON 7/23/93, OF THE CONSPIRACY. DEFENDANT LESTER G. NAUHAUS, IS IN VIOLATION OF HIS DUTIES UNDER RULES OF PROFESSIONAL CONDUCT OUTLINED IN THE AMENDED COMPLAINT, FAILED TO REPORT UNPRIVILEGED KNOWLEDGE TO A TRIBUNAL OR OTHER AUTHORITY EMPOWERED TO INVESTIGATE OR ACT UPON SUCH VIOLATION AND SUCH MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT OF COMMON PLEAS, THE JURY AND PEOPLE OF THIS COMMONWEALTH.

6. DEFENDANT DONETTA W. AMBROSE, AND FRANCIS CALAZZA, MAGISTRATE JUDGE(S) ON JANUARY 11, 2001 AND MENTIONED IN HABEAS CORPUS PROCEEDINGS AT (W.D.PA.CIV.NO.99-1695 ENTERED BY THIS COURT AND MENTIONED SHOWS AND DEMONSTRATES "OVERT AFFIRMATIVE ACTS AND OMISSIONS PERPETRATED BY THIS HONORABLE

COURT U.S.JUDGE DONETTA W. AMERSE IN ITS FINAL ORDER DATED FEBRUARY 20, 2001, THEREIN ADOPTING FRAUDULENT REPORT AND RECOMMENDATION FILED BY U.S.MAGISTRATE JUDGE CALAZZA ON JANUARY 11, 2001, AS THE OPINION OF THE COURT, I.E., INSTANT RECORD SHOWS AND ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE OF RECORDS .

7. DEFENDANT ROBERT E. COLVILLE'S AGENT KIMBERKELEY CLARK, KNOWINGLY USED FALSE AND PERJURIOUS TESTIMONY AND FALSE AND INADMISSIBLE EVIDENCE DURING TRIAL RUN CASE AT COM V. THOMAS L. TERRY, SUPRA, I.E., THAT PLAINTIFF ASSAULTED HIS WIFE AND THAT SHE HAD TO RECEIVE TWENTY(20) STITCHES IN HER HEAD. TRANSCRIPT (49-23-A) IN SUPPORT HEREOF OF WHICH FOREGOING DESCRIBED AND COMPLAINED OF FALSE EVIDENCE WAS ADMITTED IN EVIDENCE FROM THE SPECIFIC EVIL AND DISCRIMINATORY INTENT TO CONTRIVE AN ILLEGAL CONVICTION AND FALSE IMPRISONMENT OF YOUR PLAINTIFF FOR CRIMES AND OFFENSES HE DID NOT COMMIT.

8. DEFENDANT TRIAL JUDGE JAMES MCGREGOR KNOWINGLY MADE FALSE AND FICTITIOUS WRITINGS IN HIS "OFFICIAL CERTIFICATE OPINION" DATED 7/6-9/93, 7/23/93, AT COM V. THOMAS L. TERRY, SUPRA, CONCERNING THE FALSE EVIDENCE THAT PLAINTIFF WIFE RECEIVED TWENTY(20) STITCHES IN HER HEAD, TO WHICH U.S. MAGISTRATE JUDGE CALAZZA ADOPTED TRIAL JUDGE MCGREGOR'S FRAUDULENT OPINION THEREIN HIS REPORT DATED 1/11/01.

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. TERRY,
PLAINTIFF,

VS.

CITY OF PITTSBURGH AND ROBERT E.
COLVILLE; KIMBERKELEY CLARK;
STEPHEN A. ZAPPALA JR.; RONALD
WADDY; JAMES MCGREGOR; MARGARET
GOLD; HELEN LYNCH; LAURA BEEH FLECK;
RACHELLE TERRY; LESTER G. NAUHAUS;
SHELLEY STARK; CANDACE CAIN; JAMES HEYL;
FRANCIS CALAZZA; DONETTA W. AMBROSE;
IN THEIR INDIVIDUAL AND PERSONAL
CAPACITIES ARE BEING SUED.

) CIVIL ACTION NO. 08-192

) JURY TRIAL DEMANDED

) AMENDED COMPLAINT

COMPLAINT

1. PRELIMINARY STATEMENT

PLAINTIFF DECLARES, AVERS (28 U.S.C. 1746) AND RESPECTFULLY REPRESENTS THAT HE DID NOT COMMIT CRIMES CHARGED AT COM. V. THOMAS L. TERRY, SUPRA, DATED JULY TERM NO. CC9115702 AND THAT COURT ACTED IN "CLEAR ABSENCE OF ALL JURISDICTION" OVER SUBJECT MATTER AND PERSON OF PLAINTIFF THERETO. THIS COURT IN MONTGOMERY V. DE SIMON, 159 F.3d 120 (3d Cir. 1988) JUDICIALLY NOTED THAT:

CONGRESS CLEARLY CONCEIVED THAT IT WAS ALTERING THE RELATIONSHIP BETWEEN THE STATES AND THE NATION WITH RESPECTS TO THE PROTECTION OF FEDERALLY CREATED RIGHTS IT WAS CONCERNED THAT STATE INSTRUMENTALITIES COULD NOT PROTECT THE RIGHTS, IT REALIZED THAT STATE OFFICERS MIGHT, IN FACT, BE ANTIPATHETIC TO THE CONDICTION OF THOSE RIGHTS; AND IT BELIEVED THAT THESE FAILING EXTENDED TO THE STATE COURT...

THE VERY PURPOSE OF SECTION 1983 WAS TO INTERPOSE THE PEOPLE, AS THE GUARDIANS OF THE PEOPLE FROM UNCONSTITUTIONAL ACTION UNDER COLOR OF STATE LAW (EMPHASIS ADDED) cf. MITCHEM V. FOSTEE, 407 U.S. 225, 242 (1972).

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. TERRY,
PLAINTIFF,

VS.

CITY OF PITTSBURGH AND
LESTER G. NAUHAUS; SHELLEY STARK;
CANDACE CAIN; DONETTA W. AMBROSE;
FRANCIS CALAZZA; JAMES MCGREGOR;
DEFENDANT(S) ARE BEING SUED IN THEIR
INDIVIDUAL AND PERSONAL CAPACITIES.

CIVIL ACTION NO.08-192

JURY TRIAL DEMANDED

AMENDED COMPLAINT

FEDERAL RULES AND PROCEDURE
RULE 15(a) & 19(a)

PLAINTIFF THOMAS L. TERRY, IS THE PLAINTIFF AND CITIZEN
OF THE COMMONWEALTH OF PENNSYLVANIA, TAX PAYER HE IS CURRENTLY
INCARCERATED AT THE STATE CORRECTIONAL INSTITUTION, MERCER
801 BUTLER PIKE, MERCER PA. 16137-9651.

(A). LESTER G. NAUHAUS PUBLIC DEFENDER OF ALLEGHENY COUNTY
AND FOR THE CITY OF PITTSBURGH, PENNSYLVANIA, HE IS DEFENDANT
AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA, HIS PRINCIPLE
BUSINESS ADDRESS IS LOCATED AT 542 FORBER AVENUE, PGH, PA.
15219-2904.

(B). SHELLEY STARK, PUBLIC DEFENDER OF ALLEGHENY COUNTY
AND FOR THE CITY OF PITTSBURGH, PENNSYLVANIA, SHE IS DEFENDANT
AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA. HER PRINCIPLE
BUSINESS ADDRESS IS LOCATED AT 542 FORBES AVENUE, PGH, PA.
15219-2904.

(C). CANDACE CAIN, FEDERAL PUBLIC DEFENDER, OF ALLEGHENY
COUNTY AND FOR THE CITY OF PITTSBURGH, PENNSYLVANIA , SHE
IS DEFENDANT AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA,
HER PRINCIPLE BUSINESS ADDRESS IS LOCATED AT WESTERN DISTRICT
OF PENNSYLVANIA, LIBERTY AVENUE, SUITE 14 PGH, PA. 15222-3714.

(D). DONETTA W. AMBROSE, JUDGE FRO THE WESTERN DISTRICT
OF PENNSYLVANIA, AND CITIZEN OF THE COMMONWEALTH AND HER/HIS
PRINCIPLE BUSINESS ADDRESS IS 3280 U.S. POST OFFICE, COURTHOUSE
700 GRANT STREET, PITTSBURGH, PA. 15219

(E). FRANCIS CAIAZZA, JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, AND CITIZEN OF THE COMMONWEALTH AND HER/HIS PRINCIPLE BUSINESS ADDRESS IS 3280 U.S. POST OFFIC, COURTHOUSE 700 GRANT STREET, PITTSBURGH, PA. 15219.

VI. ADDED DEFENDANT'S

(F). LESTER NAUHAUS, PUBLIC DEFENDER, ESQ., REPRESENTED PLAINTIFF DURING HIS APPEAL TO BOTH SUPERIOR AND SUPREME COURT AND AT TRIAL ON 7/6-9/93, IN COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, AND FOR THE CITY OF PITTSBURGH PENNSYLVANIA HE WAS AT ALL TIMES DRELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THEREWITH MUNICIPAL OFFICERS TO DEPRIVE HIS CLIENT, THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS HE IS BEING SUED IN HIS INDIVIDUAL AND PERSONAL CAPACITIES.

(G). SHELLEY STARK, PUBLIC DEFENDER ESQ., REPRESENTED PLAINTIFF DURING HIS APPEALS TO BOTH SUPERIOR AND SUPREME COURT AND AT TRIAL ON 7/6-9/93, IN COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, AND FOR THE CITY OF PITTSBURGH PENNSYLVANIA SHE WAS AT ALL TIMES RELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THEREWITH MUNICIPAL OFFICERS TO DEPRIVE HER CLIENT, THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS SHE IS BEING SUED IN HER INDIVIDUAL AND PERSONAL CAPACITIES.

(H). CANDACE CAIN, FEDERAL PUBLIC DEFENDER, REPRESENTED PLAINTIFF DURING HIS APPEALS TO BOTH SUPERIOR AND SUPREME COURT AND AT TRIAL ON 7/6-9/93, IN COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, AND FOR THE CITY OF PITTSBURGH PENNSYLVANIA SHE WAS AT ALL TIMES RELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THEREWITH MUNICIPAL OFFICERS TO DEPRIVE HER CLIENT, THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS SHE IS BEING SUED IN HER INDIVIDUAL AND PERSONAL CAPACITIES.

(I). JAMES MCGREGOR , JUDGE, OF COMMON PLEAS COURT ALLEGHENY COUNTY AND FOR THE CITY OF PITTSBURGH, HE WAS AT ALL TIMES RELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THEREWITH MUNICIPAL OFFICERS TO DEPRIVE THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS HE IS BEING SUED IN HIS INDIVIDUAL AND PERSONAL CAPACITIES.

(J). DONETTA W. AMBROSE, MAGISTRATE JUDGE, FOR UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA SHE WAS AT ALL TIMES RELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THERWITH MUNICIPAL OFFICERS TO DEPRIVE THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS SHE IS BEING SUED IN HER INDIVIDUAL AND PERSONAL CAPACITIES.

(K). FRANCIS CALAZZA, MAGISTRATE JUDGE, FOR THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA AND CITIZEN OF THE COMMONWEALTH AND SHE/HE WAS AT ALL TIMES RELEVANT TO THIS ACTION A STATE ACTOR AND ACTED IN CRIMINAL CONSPIRACY THERWITH MUNICIPAL OFFICERS TO DEPRIVE THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS SHE/HE IS BEING SUED IN HER/HIS INDIVIDUAL AND PERSONAL CAPACITIES.

11. JURISDICTION

THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. § 1983, § 1985(2)(3), § 1986, § 1988, CIVIL RIGHT UNDER § 1371, JURISDICTION IS FOUNDED UPON 28 U.S.C. § 1331(1)(2)(3), AND THE AFOREMENTIONED STATUTORY PROVISION PLAINTIFF FURTHER INVOKES JURISDICTION UPON THIS HONORABLE COURT UNDER THE MANDATES OF LAW SET FORTH IN KELLY V. GILBERT, 437 F.SUPP. 201, AT 212-214, (D.MONT. 1976)(THE NECESSITY OF A CONSTITUTIONAL RIGHTS SUFFICIENT TO INVOKE FEDERAL JURISDICTION UNDER 42 U.S.C. § 1983, IS ESTABLISHED BY AN ALLEGATION THAT STATE'S CRIMINAL PROCESS FOR RETURNING AN INDICTMENT IS BEING USED TO DEPRIVE PLAINTIFF OF DUE PROCESS OF THE LAW, AND WHEN PLAINTIFF HAS BEEN DENIED AN EVIDENTIARY HEARING ON THOSE CLAIMS BY STATE COURTS). AN EVIDENTIARY HEARING ON THOSE CLAIMS BY STATE COURTS). AND MARTINEZ V. WINNER, 348 F.SUPP. 278, 300, 301 n. 35(D.COLC. 1982) 42 U.S.C. § 1983 CIVIL RIGHT SUIT AGAINST A PRESIDING JUDGE IS AVAILABLE AS A COLLATERAL REMEDY ONLY IN THOSE CASES IN WHICH COURT PROCEEDINGS HAVE BEEN A COMPLETE NULLITY" CITING BOTONE V. LINDSLEY, 170 F.2d 705, 707, (10th Cir.(1964); sarelas v. sheeham, f. F.2d 490, 491 (7TH CIR.1993), CERT. DENIED, 377 U.S. 932 (1964) EG., IN THOSE CASE WHERE THE TRIAL JUDGE HAS ACTED IN THE "CLEAR ADSENCE OF ALL JURISDICTION ON THIS HONORABLE COURT.

111. PARTIES

PLAINTIFF THOMAS L. TERRY, IS PRESENTLY BEING ILLEGALLY DETAINED AND UNLAWFULLY RESTRAINED OF HIS "HUMAN LIBERTY" AT SCRF-MERCER, 801 BUTLER PLEE, MERCER, PA. 16137-9651. IN DIRECT VIOLATION OF HIS 4TH,5TH,6TH,7TH,8TH,13TH,14TH,, AMENDMENTS TO THE UNITED STATES CONSTITUTIONAL RIGHTS, PLAINTIFF INCORPORATES BY REFERENCE HIS FACTUAL ALLEGATION IN SUPPORT OF HIS CLAIMS THAT PERSON ACTING UNDER COLOR OF STATE LAW HAVE MALICIOUSLY DEPRIVED HIM OR RIGHTS WITHIN THE MEANING OF THE SECOND CLAUSE OF U.S.C. § 1985(2)(3) [THAT] ARE SPECIFIAL OUTLINE THERIN RELATED COURT ACTION.

1. PLAINTIFF, THOMAS L. TERRY, IS THE PLAINTIFF AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA, TAX PAYER HE IS CURRENTLY

INCARCERATED AT THE STATE CORRECTIONAL INSTITUTION, MERCER
801 BUTLER PIKE, MERCER, PA. 16137-9651.

2. STEPHEN A. ZAPPALA JR., DISTRICT ATTORNEY, AND ASSISTANT
DISTRICT ATTORNEY RONALD M. WADDY JR., DISTRICT OF ALLEGHENY
COUNTY AND FOR THE CITY OF PITTSBURGH, HE IS THE DEFENDANT
AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA, HIS PRINCIPLE
BUSINESS ADDRESS IS LOCATED AT 303 ALLEGHENY COUNTY COURTHOUSE,
436 GRANT STREET, PITTSBURGH PA, 15219.

3. DEFENDANT ROBERT E. COLVILLE, EX-DISTRICT ATTORNEY,
KIMBERKELEY CLARK, EX-ASSISTANT DISTRICT ATTORNEY OF ALLEGHENY
COUNTY, AND FOR THE CITY OF PITTSBURGH, BOTH ARE CITIZEN OF
THE COMMONWEALTH OF PENNSYLVANIA, HIS/HER PRINCIPLE BUSINESS
ADDRESS IS LOCATED AT 303 ALLEGHENY COUNTY COURTHOUSE 436
GRANT STREET, PITTSBURGH, PA. 15219.

4. DEFENDANT MARGARET GOLD ESQ., AND PUBLIC DEFENDER OF
ALLEGHENY COUNTY AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA
HER/HIS PRINCIPLE BUSINESS ADDRESS IS LOCATED AT 213-A ALLEGHENY
COURTHOUSE 436 GRANT STREET PITTSBURGH PA. 15219.

5. DEFENDANT HELEN LYNCH ESQ., IS A LAWYER OF ALLEGHENY
COUNTY AND CITIZEN OF THE COMMONWEALTH OF PENNSYLVANIA, HER/HIS
PRINCIPLE BUSINESS ADDRESS IS LOCATED AT 600 LAWYERS BUILDING,
PITTSBURGH, PA 15219.

6. DEFENDANT JAMES HEYL, IS A POLICE OFFICER AND DETECTIVE
FOR ALLEGHENY COUNTY AND CITIZEN OF THE COMMONWEALTH
OF PENNSYLVANIA HIS PRINCIPLE BUSINESS ADDRESS IS LOCATED
AT 300 ALLEGHENY COUNTY COURTHOUSE PITTSBURGH, 15219.

7. DEFENDANT JAMES MCGREGOR, JUDGE FOR ALLEGHENY COUNTY
AND FOR THE CITY OF PITTSBURGH, AND A CITIZEN OF THE COMMONWEALTH
OF PENNSYLVANIA, HIS PRINCIPLE BUSINESS ADDRESS IS LOCATED
AT 436 GRANT STREET, PITTSBURGH PA. 15219.

8. DEFENDANT RACHELLE TERRY, WITNESS FOR ALLEGHENY COUNTY
AND FOR THE CITY OF PITTSBURGH, AND A CITIZEN OF THE COMMONWEALTH
OF PENNSYLVANIA, AND HER/HIS PRINCIPLE BUSINESS ADDRESS IS
303 DISTRICT ATTORNEY OF ALLEGHENY COUNTY PITTSBURGH PENNSYLVANIA
15219.

9. DEFENDANT LAURA FLECK, M.D. WITNESS FOR ALLEGHENY COUNTY AND FOR THE CITY OF PITTSBURGH, HER PRINCIPLE BUSINESS ADDRESS IS 303 DISTRICT ATTORNEY OFFICE 436 GRANT STREET PITTSBURGH PA. 15219.

10. LESTER G. NAUGAUS PUBLIC DEFENDER AND FOR THE CITY OF PITTSBURGH PITTSBURGH, PA. AND CITIZEN OF THE COMMONWEALTH AND HIS/HER PRINCIPLE BUSINESS ADDRESS IS PUBLIC DEFENDER OFFICE 542 E FORBES AVENUE, PITTSBURGH PA. 15219-2904.

11. SHELLEY STARK PA. ID.#19054, APPEAL ATTORNEY AND EX-PUBLIC DEFENDER FOR THE CITY OF PITTSBURGH, AND CITIZEN OF THE COMMONWEALTH AND HER/HIS PRINCIPLE BUSINESS ADDRESS IS THE C PUBLIC DEFENDER OFFICE, 542 FORBES AVENUE, PITTSBURGH, PA.15219.

12. CANDACE CAIN, PA. ID.#40663, PUBLIC DEFENDER AND FOR THE C1 CITY OF PITTSBURGH AND ALLEGHENY COUNTY, AND CITIZEN OF THE CO COMMONWEALTH AND HER/HIS PRINCIPLE BUSINESS ADDRESS IS LIBERTY AVENUE SUITE 14, PITTSBURGH PA. 15222-3714.

13. FRANCIS CALAZZA, JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, AND CITIZEN OF THE COMMONWEALTH AND HIS/HER PRINCIPLE BUSINESS ADDRESS IS 3280 U.S. POST OFFICE, COURTHOUSE 700 GRANT STREET, PITTSBURGH, PENNSYLVANIA 15219.

14. DONETTA W. AMBROSE, JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, AND CITIZEN OF THE COMMONWEALTH AND HER/HIS PRINCIPLE BUSINESS ADDRESS IS 3280 U.S.POST OFFICE, COURTHOUSE 700 GRANT STREET, PITTSBURGH, PA. 15219.

IV.

15. DEFENDANT CITY OF PITTSBURGH IS A MUNICIPALITY OF THIS COMMONWEALTH OF PENNSYLVANIA AND OWN, OPERATES, MANAGE, DIRECT AND CONTROLS PITTSBURGH POLICE DEPARTMENT, AND ALLEGHENY COUNTY DISTRICT ATTORNEY'S OFFICE AND WHO EMPLOYES THE OTHER NAMED DEFENDANT, INTER ALIOS, AND AS A MUNICIPAL CORPORATION FOR THE CITY OF PITTSBURGH, IT IS RESPONSIBLE FOR IMPLEMENTATION OF ADMINISTRATIVE POLICIES RELATING TO TRAINING, SUPERVISION AND DISCIPLINE OF ALLEGHENY COUNTY POLICE OFFICER, AND DISTRICT ATTORNEY OFFICE AND OTHER NAMED DEFENDANT HEREIN.

16. DEFENDANT ROBERT E. COLVILLE, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION, A RESIDENT OF COMMONWEALTH A CITIZEN OF THE UNITED STATES AND EMPLOYED BY COMMONWEALTH AS DISTRICT ATTORNEY'S OF ALLEGHENY COUNTY IN 1993 AND 1997, IN ELECTED CAPACITY, AND AS EXECUTIVE MUNICIPAL POLICY-MAKER FOR DISTRICT ATTORNEY OFFICE HAD AN ADMINISTRATIVE AND MANAGERIAL DUTY TO ESTABLISH TRAINING, SUPERVISION AND DISCIPLINARY POLICIES TO ACTUAL MALICE AND WILLFUL MISCONDUCT) PERPETRATED BY POLICE OFFICERS AND ASSISTANT DISTRICT ATTORNEY(S) EMPLOYED BY CITY OF PITTSBURGH, HE IS BEING SUED IN BOTH HIS INDIVIDUAL AND PERSONAL CAPACITIES.

17. DEFENDANT KIMBERKELEY CDARK, AND AGENT OF ROBERT E. COLVILLE, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION, A RESIDENT OF COMMONWEALTH, AN CITIZEN OF THE UNITED STATES AND EMPLOYED BY COMMONWEALTH ASSISTANT DISTRICT ATTORNEY OF ALLEGHENY COUNTY, PITTSBURGH PENNSYLVANIA, SHE IS BEING SUED IN BOTH HER INDIVIDUAL AND PERSONAL CAPACITIES.

18. DEFENDANT STEPHEN A. ZAPPALA JR., SUCCESSOR TO OFFICE OF DISTRICT ATTORNEY HELD BY ROBERT E. COLVILLE, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION DISTRICT ATTORNEY OF ALLEGHENY COUNTY PITTSBURGH PENNSYLVANIA, IN HIS APPOINTED CAPACITIES, A RESIDENT OF COMMONWEALTH, A CITIZEN OF THE UNITED STATES, AND AS EXECUTIVE MUNICIPAL POLICY-MAKER FOR DISTRICT ATTORNEY'S OFFICE HAD AN ADMINISTRATIVE AND MANAGERIAL DUTY TO ESTABLISH TRAINING, SUPERVISION AND DISCIPLINARY POLICIES TO PREVENT AND DISCOURAGE 42 PA. C.S.A. § 8550 (CRIMES, ACTUAL FRAUD, ACTUAL MALICE, AND WILLFUL MISCONDUCT) BEING MALICIOUSLY PERPETRATED BY POLICE OFFICERS AND ASSISTANT DISTRICT ATTORNEY'S EMPLOYED BY CITY OF PITTSBURGH, HE IS BEING SUED IN BOTH HIS INDIVIDUAL AND PERSONAL CAPACITIES.

19. DEFENDANT RONALD M. WADDY JR., AN AGENT OF STEPHEN A. ZAPPALA JR., IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION AND ASSISTANT DISTRICT ATTORNEY OF ALLEGHENY COUNTY IN APPOINTED CAPACITIES, HE IS BEING SUED IN BOTH HIS INDIVIDUAL AND PERSONAL CAPACITIES.

20. DEFENDANT JAMES HEYL, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION, AN POLICE OFFICER, OF ALLEGHENY COUNTY CITY OF PITTSBURGH, PENNSYLVANIA, POLICE DEPARTMENT OS UNDER DISTRICT ATTORNEY ADMINISTRATION, HE IS BEING SUED IN BOTH HIS INDIVIDUAL AND PERSONAL CAPACITIES.

21. DEFENDANT, MARGARET GOLD, ESQ., AND PUBLIC DEFENDER OFFICE, REPRESENTED PLAINTIFF DURING HIS APPEAL TO BOTH SUPERIOR AND SUPREME COURT AND AT TRIAL ON 7/6-9/93, IN COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, AND FOR THE CITY OF PITTSBURGH PENNSYLVANIA SHE WAS AT ALL TIMES RELEVANT TO THIS ACTION A ~~STATE ATTORNEY~~" AND ACTED IN CRIMINAL CONSPIRACY THEREWITH MUNICIPAL OFFICERS TO DEPRIVE HER CLIENT, THOMAS L. TERRY, HEREIN OF CONSTITUTIONAL RIGHTS SHE IS BEING SUED IN HER INDIVIDUAL AND PERSONAL CAPACITIES.

22. DEFENDANT HELEN LYNCH ESQ., ATTORNEY AT LAW, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION, A RESIDENT OF THE COMMONWEALTH, COURT APPOINTED CAPACITY, SHE IS BEING SUED IN HER INDIVIDUAL AND PERSONAL CAPACITIES.

23. DEFENDANT RACHELLE TERRY, IS AND WAS AT ALL TIMES RELEVANT TO THIS ACTION, A RESIDENT OF COMMONWEALTH A CITIZED OF THE UNITED STATES AND SHE IS BEING SUED IN BOTH HER INDIVIDUAL AND PERSONAL CAPACITIES.

24. DEFENDANT LAURA BETH FLECK M.D., WAS AT ALL TIMES RELEVANT TO THIS ACTION, A RESIDENT OF COMMONERLTH A CITIZED OF THE UNITED STATES AND SHE IS BEING SUED IN BOTH HER INDIVIDUAL AND PERSONAL CAPACITIES.

V.

25. PLAINTIFF, THOMAS L. TERRY, DUE PROCESS OF LAW HAVE BEEN DEPRIVE AND STATE COURT HAVE WILLFULLY DENIED PLAINTIFF AN EVIDENTLARY HEARING ON THOSE CLAIM.

26. PLAINTIFF FURTHER SHOWS AND ESTABLISH BY CLEAR AND CONVINCING EVIDENCE OF RECORD THAT DEFENDANT(S) DONETTA W. AMBROSE, INTENTIONALLY AND DELIBERATELY AND NEGLIGENTLY USE FALSE AND PERJURIOUS TESTIMONY AND FALSE AND PERJURIOUS TESTIMONY INADMISSIBLE EVIDENCE TO CONTRIVE AN ILLEGAL CONVICTION FOR CRIMES KNOWN TO FOREGOING NAMED DEFENDANT'S THAT PLAINTIFF

DID NOT COMMIT.

27. THE DEFENDANT DONETTA W. AMBROSE, IS OF ALLEGHENY COUNTY AND FOR THE CITY OF PITTSBURGH, DURING TRIAL AT COM. THOMAS L. TERRY, SUPRA, DID NOT COMPLY WITH PROTECTIVE STATUTORY PROVISIONS OF 19 P.S. §241.

28. THAT DEFENDANT DONETTA W. AMBROSE, KNEW OR SHOULD HAVE KNOWN THAT HAD CONVENED A TRIAL ON JULY 6-9, 1993, IN CLEAR ABSENCE OF ALL JURISDICTION "OVER SUBJECT MATTER" AND PERSON OF PLAINTIFF IN STATE COURT PROCEEDING AT COM. V. THOMAS L. TERRY, SUPRA NO. CC9115702.

29. THAT DEFENDANT DONETTA W. AMBROSE, HAD A DR 7-103(A)(B) & DR 7-102(B)(2) MANDATORY DUTY IN HER/HIS OFFICE OF ATTORNEY UNDER 42 PA. C.S.A. § 2522 TO REPORT UNPRIVILEGED KNOWLEDGE OF VIOLATION OF DR 7-102(A)(2) & DR 7-103(A)(B), TO REPORT TO A TRIBUNAL OR OTHER AUTHORITY EMPOWERED TO INVESTIGATE OR ACT UPON SUCH VIOLATION AND SUCH MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT OF COMMON PLEAS, THE JURY AND PEOPLE OF THIS COMMONWEALTH cf. RULE OF PROFESSIONAL CONDUCT.

30. THAT IT CAN BE PLAUBLY INFERED THERE FROM DEFENDANT DONETTA W. AMBROSE, OVERT AFFERMATIVE ACT AND OMISSION IN THE PROGRESS OF A SINGLE AND CONTINUING CIVIL/CRIMINAL CONSPIRACY FOR THE PURPOSE OF IMPEDING, HINDERING, OBSTRUCTING AND DEFEATING THE DUE COURSE OF "JUSTICE IN A CRIMINAL PROCEEDING" AT COM. V. THOMAS L. TERRY, SUPRA, INITIATE DATE JULY 6-9, 93, IN CLEAR ABSENCE OF ALL JURISDICTION WITH THE SPECIFIC INTENT TO DENY PLAINTIFF, THOMAS L. TERRY, EQUAL PROTECTION OF THE LAW OF THIS COMMONWEALTH UNDER ART. 1. 1, 9, 10, 11, 13, 14, & 20, 26, ART. VI. 2 AND LAWS OF THE UNITED STATES UNDER DUE PROCESS CLAUSE'S OF THE 1ST, 4TH, 5TH, 6TH, 7TH, 8TH, 13TH, AMENDMENTS AND EQUAL PROTECTION CLAUSE OF THE 14TH, AMENDMENTS.

31. EXCEPT AS HEREINAFTER PROVIDED ON PERSON SHALL, FOR ANY INDICTABLE OFFENSE BE PROCEEDED AGAINST BE PROCEEDED AGAINST CRIMINALLY BY INFORMATION THAT IT SHOULD BE JUDICIALLY NOTED THAT PLAINTIFF DID NOT BECOME AWARE AND KNOWLEDGABLE OF FRAUDULENT AND FATALLY DEFECTIVE INDICTMENTS AT COM. V. THOMAS L. TERRY, SUPRA, UNTIL OR ABOUT MARCH 2, 2004, AS

A DIRECT AND PROXIMATE RESULT OF THE ILLEGAL AND UNLAWFUL CONDUCT OF DEFENDANT DONETTA W. AMBROSE, AND PERSON ACTION FOR OR AS AGENTS THERETO,

32. A JURY FOUND PLAINTIFF GUILTY OF FALSELY ACCUSED CHARGES AT COM. V. THOMAS L. TERRY, SUPRA, AT NO TIME DID HE COMMIT ANY ILLEGAL ACT, OR ENGAGE IN ANY CONDUCT WHICH IN ANY WAY JUSTIFIED AN ARREST OF PLAINTIFF WITHOUT PROABLE CAUSE AND FOR HIM TO BE TRIED IN "CLEAR ABSENCE OF ALL JURISDICTION OVER SUBJECT MATTER" AND PERSON OF PLAINTIFF IN STATE COURT PROCEEDING AT COM. V. THOMAS L. TERRY, SUPRA.

33. AN ATTORNEY ENGAGES IN MISCONDUCT WITHIN THE MEANING OF 42 PA. C.S.A. § 4132 IF HIS /HER BEHAVIOR IS CALCULATED TO HINDER THE SEARCH FOR THE TRUTH, AND SEE RULES OF PROFESSIONAL CONDUCT, WHICH ARE PERTINENT AND RELEVANT OF THE COURT TO CONSIDER:

A.) R.P.C. 3.3 (A)(1)-WHICH PROHIBITS AN ATTORNEY FROM KNOWINGLY MAKING A FALSE STATEMENT OF MATERIAL FACT OR LAW TO A TRIBUNAL.

B.) R.P.C. 3.3(A)(2)-WHICH PROHIBITS AN ATTORNEY FROM KNOWINGLY IS NECESSARY TO AVOID ASSISTANTING A CRIMINAL OR FRAUDULENT ACT BY THE CLIENT.

C.) R.P.C. 3.5.(A)-WHICH PROHIBITS AN ATTORNEY FROM SEEKING TO INFLUENCE A JUDGE OR OTHER OFFICIAL BY MEANS PROHIBITED BY THE LAW.

D.) R.P.C. 8.5.(A)-WHICH PROHIBITS AN ATTORNEY FROM ENGAGING IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT AND MESREPRESENTATION.

E.) R.P.C. 3.4.(B)-WHICH PROHIBIT AN ~~KNEW~~ ATTORNEY FROM FALSIFYING EVIDENCE, COUNSEL OR SASSIST A WITNESS TO TESTIFY FALSELY.

VI. FACTS

34. DEFENDANT, DONETTA W. AMBROSE, EMPLOYED BY ALLEGHENY COUNTY AND FOR THE CITY OF PITTSBURGH, NEGLIGENCELY AND LNOWNINGLY AND DELIBERATELY KNEW OR SHOULD HAVE KNOWN THAT SHE/HE WAS PRACTICING FRAUD AND DECEIT UPON THE COURT AND IN THE PRESENCE OF THE COURT.

35. DEFENDANT, DONETTA W. AMBROSE, CONSPIRED TO WILLFULLY

CAUSE "FRAUDULENT CONCEALMENT" OF THE PERJURIOUS TESTIMONY AND INADMISSIBLE EVIDENCE APPARENTLY ON THE FACE OF THE RECORDS OF COMMONWEALTH COURT OF ALLEGHENY COUNTY, CITY OF PITTSBURGH, PENNSYLVANIA, AT COM. V. THOMAS L. TERRY, SUPRA.

36. UPON INFORMATION AND BELIEF, MRS TERRY A WITNESS FOR THE COMMONWEALTH ENTER INTO EVIDENCE THAT SHE RECEIVED OVER(20) STITCHES IN HER HEAD ALSO RIGHT AND LEFT SIDE OF THE HEAD MULTIPLE LACERATION AT EXHIBIT #NO.1(TR. 49) THE DEFENDANT MRS RACHELLE TERRY, ENTER INTO EVIDENCE FALSE AND PERJURIOUS TESTIMONY DURING TRIAL ON JULY 6-9, 1993,

37. UPON INFORMATION AND BELIEF, EXPERT WITNESS DOCTOR PANTALONE, THE EMERGENCY ROOM PHYSICIAN WHO EXAMINED HER DID NOT FIND ANYTHING SIGNIFICANTLY WRONG WITH MRS RACHELLE TERRY NEUROLOGIC EXAM, THE EMERGENCY ROOM DOCTOR WAS ADMITTING PHYSICIAN ON 9-24-91, DOCTOR PLANTALONE, ATTACHED AS EXHIBIT #NO. 2 (TRANSCRIPT 213-PARGARAPH 5-Q AND 18-Q).

38. UPON INFORMATION AND BELIEF, EVIDENTIARY RULINGS ADMITTING INTO EVIDENCE THE HAMMER AND WRENCH WERE ERONEOUS AND PERJUDICIAL TO THE DEFENSE SINCE NO ONE COULD ESTABLISH THAT EITHER OF BOTH OF THESE WERE WEAPONS WIELDED BY MR. THOMAS L. TERRY, OTHER THAN SPECULATIVELY. EXHIBIT #NO. 3.(TR.109 PARGARAPH 12-Q ¶ 21-Q AND ¶ A).

39. UPON INFORMATION AND BELIEF, THE COMMONWEALTH FAILED TO PROVE THAT MRS RACHELLE TERRY, SUFFERED SERIOUS BODILY INJURIES IN THE HOSPITAL RECORDS INDICATED THAT MRS TERRY'S WOUNDS WERE SUPERFICIAL IN NATURE; AND EEG TAKEN AT THE TIME OF HER ADMISSION WAS NORMAL IN ALL RESPECTS.

40. DEFENDANT RACHELLE TERRY, THE HOSPITAL RECORDS INDICATE THAT MRS RACHELLE TERRY, WOUNDS WERE SUPERFICIAL IN NATURE AND NOTHING WHAT SO EVER INDICATING OR SUPPORT COMMONWEALTH EVIDENCE OF (20) STITCHES TO CLOSE A HEAD WOUND (TRANSCRIPT 213-5-25QQ, TRANSCRIPT 214-PARGARAPH 1-A-10-Q.

41. DEFENDANT JAMES HEYL, AND JUNECKO, TESTIMONY OF TWO POLICE OFFICERS, DETECTIVE JAMES HEYL, AND DETECTIVE JUNECKO,TE

TESTIFIED CONCERNING HIS INVESTIGATION AND A STATEMENT OF ALLEGED VICTIM TO THE JURY AT COMMON PLEAS COURT CITY OF PITTSBURGH AND ALLEGHENY COUNTY, EXHIBIT #NO.3. TRANSCRIPTS ATTACHED AS (TR.106) PARAGRAPH 7-A, THE TRANSCRIPTS STATES COMMONWEALTH WITNESS DETECTIVE JAMES HEYL, ON JULY 6-9,1993, IN THE COURT OF COMMON PLEAS TESTIFY BEFORE HONORABLE JAMES MCGREGOR, STATES THAT MRS RACHELLE TERRY, THE FIRST THING HE NOTICE ABOUT HER WAS HER LIPS AND HER FACE WERE VERY SWOLLEN, IN THE LEFT SIDE OF HER HEAD SHE HAD A LACERATION WHICH HAD BEEN SUTURED AND WAS STILL SEEPING BLOOD, ON THE RIGHT OF HER HEAD ANOTHER LACERATION WHICH HAD BEEN SUTURED, DETECTIVE JAMES HEYL, OFFER FALSE STATEMENT UPON THE COURT WHICH CONSTITUTE PERJURY UNDER § 322 OF THE PENAL CODE OF JUNE 24, 1939, PSS. § 4322 § 481 FALSE STATEMENTS.

42. DEFENDANT(S) ROBERT E. COLVILLE; KIMBERKELEY CLARK; STEPHEN A. ZAPPALA; RONALD WADDY; AND COURT APPOINTED ATTORNEY MARGARET GOLD; HELEN LYNCH; LESTER G. NAUHAUS PUBLIC DEFENDER; SHELLEY STARK; CANDACE CAIN; FRANCIS CALZZA; DONETTA W. AMBROSE; IN THEIR CAPSCITIES AS COURT APPOINTED ATTORNEIES AND DISTRICT ATTORNEY(S) OF ALLEGHENY COUNTY CITY OF PITTSBURGH, DURING TRIAL AT COM. V. THOMAS L. TERRY, SUPRA, DID NOT COMPLY WITH PROTECTIVE STATUTARY PROVISION OF 19 P.S. § 241.

43. UPON INFORMATION AND BELIEF, THE SPEECH TEST THAT WAS CONDUCTED BY SPEECH PATHOLOGIST DEBORAH WILSON DURING MRS TERRY'S HOSPITALIZATION THE INJURIES TO THE SKULL WERE ALSO DESCRIBED BY MS. WILSON AS SUPERFICIAL, WITHOUT TRAUMATIC BRAIN OR LANGUAGE DEFICITS(TR.220).

44. DEFENDANT DONETTA W. AMBROSE, EMPLOYEE FOR THE CITY OF PITTSBURGH, AND ALLEGHENY COUNTY, IN HER/HIS PERSONAL AND INDIVIDUAL COPACITIES AS EMPLOYEE WAS RECKLESS AND ACTED WITH WANTON DISREGARD TO THE INTERESTS OF PLAINTIFF THOMAS L. TERRY, IN CRIMINAL CASE.

45. DEFENDANT DONETTA W. AMBROSE, EMPLOYED BY THE CITY OF PITTSBURGH AND ALLEGHENY COUNTY, IN HIS/HER PERSONAL AND INDIVIDUAL CAPACITIES WAS RECKLESS EXHIBITED CULPABLE CONDUCT WHICH WAS THE PROXIMATE CAUSE OF PLAINTIFF, THOMAS L

L. TERRY, TO BE CONVICTED WHO WOULD HAVE OBTAINED AN AQUITAL OR COMPLETE DISMISSAL OF THE CHARGES.

46. DEFENDANT DONETTA W. AMBROSE, EMPLOYEE FOR THE CITY OF PITTSBURGH AND ALLEGHENY COUNTY, HER/HIS PERSONAL AND INDIVIDUAL CAPACITIES AS EMPLOYEE ACTED WITH SUCH NEGLIGENCE TO BE THE PROXIMATE CAUSE OF DAMAGE TO PLAINTIFF THOMAS L. TERRY.

47. DEFENDANT DONETTA W. AMBROSE, EMPLOYEE FOR THE CITY OF PITTSBURGH AND ALLEGHENY COUNTY, IN HER/HIS PERSONAL AND INDIVIDUAL CAPACITIES WAS THE PROXIMATE CAUSE FOR PLAINTIFF THOMAS L. TERRY, TO SUFFER BOTH PHYSICAL AND EMOTIONAL DISTRESS, MENTAL ANGUISH, PSYCHOLOGICAL INJURY, EMBARRASSMENT, HUMILIATION, OR MORTIFICATION, AS A CONSEQUENCE IN BREACHING AN ATTORNEY AND CLIENT AGREEMENT PROVIDING BEST EFFORTS INVOLVING THE CRIMINAL CASE, FAILURE TO RAISE THE ISSUES OF ERROR'S PERJURY AND FRAUDULENT CONCEALMENT OF PERJURIOUS TESTIMONY APPARENT ON THE FACE OF THE RECORDS AND TRANSCRIPTS AND PLAINTIFF THOMAS L. TERRY, WAS PREJUDICED AS A RESULT OF BOTH COUNSEL ACTIONS VIOLATION OF PLAINTIFF CONSTITUTIONAL RIGHTS.

48. THAT IT CAN BE PLAUSIBLY INFERRED THERE FROM DEFENDANT(S) ROBERT E. COLVILLE; KIMBERKELEY CLARK; STEPHEN A. ZAPPALA JR.; JAMES MCGREGOR; JAMES HEYL; MARGARET GOLD; HELEN LYNCH; RACHELLE TERRY; LAURA FLECK; LESTER G. KAUBAUS; SHELLEY STARK; CANDACE CAIN; FRANCIS CALAZZA; DONETTA W. AMBROSE, OVERT AFFIRMATIVE ACT AND OMISSION IN PROGRESS OF A SINGLE AND CONTINUING CIVIL/CRIMINAL CRIMINAL "CONSPIRACY" FOR THE PURPOSE OF IMPEDING, HINDERING, OBSTRUCTION AND DEFEATING THE DUE COURSE OF "JUSTICE IN A CRIMINAL PROCEEDING" AT COM. V. THOMAS L. TERRY, SUPRA.

49. SHOWS AND ESTABLISH, BY CLEAR AND CONVINCING EVIDENCE OF RECORD, MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT AND IN THE PRESENCE OF THE COURT THERETO, COMMONWEALTH WITNESS MRS RACHELLE TERRY, ON JULY 6-9, 1993, TESTIFY BEFORE HONORABLE JUDGE MCGREGOR, CLAIM THAT SHE RECEIVE (20) STITCHES AS A HEAD WOUND, REPORTED AT (TR.49) SHE IN VIOLATION OF PERJURY LAWS OF THIS COMMONWEALTH UNDER TITLE 18 § 4902 AND TITLE

18 U.S.C.A. § 1001(A)(1)(2)(3) FRAUD AND FALSE STATEMENTS ON THE RECORDS OF THIS COURT.

50. SHOWS AND ESTABLISH, BY CLEAR AND CONVINCING EVIDENCE OF RECORD, MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT AND IN THE PRESENCE OF THE COURT COMMONWEALTH WITNESS DETECTIVE JAMES HEYL, ON JUNE 6-9, 1993, STATED ON RECORD AND TRANSCRIPTS TESTIFY BEFORE HONORABLE JAMES MCGREGOR IN THE COURT OF COMMON PLEAS AT TRANSCRIPTS (106-7-A) THAT JAMES HEYL, STATED THAT THE FIRST THING HE NOTICED WAS HER LIPS AND HER FACE WERE VERY SWOLLEN ON THE LEFT SIDE OF HER HEAD SHE HAD A LACERATION WHICH HAD BEEN SUTURED AND WAS STILL SEEPING BLOOD, ON THE RIGHT OF HER HEAD ANOTHER LACERATION WHICH HAD BEEN SUTURED. DETECTIVE JAMES HEYL, OFFER FALSE STATEMENT UPON THE COURT WHICH CONSTITUTE PERJURY UNDER § 322 OF THE PENAL CODE OF JUNE 24, 1939, P.S. 872 P.S. §872 P.S. § 4322 § 418. FALSE STATEMENT.

51. SHOWS AND ESTABLISH BY CLEAR AND CONVINCING EVIDENCE OF RECORDS, MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT AND IN THE PRESENCE OF THE COURT THERETO LAURA BETH FLECK M.D. INTENTIONALLY AND DELIBERATELY AND KNOWNLY USED FALSE AND PERJURIOUS TESTIMONY AND INADMISSIBLE EVIDENCE APPARENTLY ON THE FACE OF THE RECORDS AND TRANSCRIPTS (TR. 199-3-QA AND Q-8), LAURA BETH FLECK, M.D. TESTIFY SHE SAW MULTIPLE LACERATIONS AND ABRASION TO RACHELLE TERRY, HEAD, NECK, FACE AND ARMS SHE HAD SEVERAL LARGE LACERATIONS PARTICULARLY OVER THE LEFT SIDE OF THE HEAD AND HER FACE WAS VERY SWOLLEN, THE DOCTOR ENTER PERJURIOUS TESTIMONY WHICH CONSTITUTED PERJURY U.S.C.A. AMENDS TITLE 18 § 4902.

52. SHOWS AND ESTABLISH BY CLEAR AND CONVINCING EVIDENCE OF RECORD MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT IN THE PRESENCE OF THE COURT THERETO, KIMBERKELEY CLARK, INTENTIONAL AND DELIBERATELY AND KNOWNLY USE FALSE AND PERJURIOUS TESTIMONY AND INADMISSIBLE EVIDENCE APPARENT ON THE FACE OF THE TRANSCRIPTS TESTIFY OPENING STATEMENT THAT MRS RACHELLE TERRY, HEAD WAS SPLIT WIDE OPEN REPORT AT (TR. 22-23.) WHICH CONSTITUTE PERJURY IN VIOLATION OF TITLE 18 §4902 AND

42 PA. C.S.A. § 8550 U.S.C.A. AMENDS 5TH, 8TH, 14TH, AMENDMENTS.

53. DEFENDANT TRIAL JUDGE JAMES MCGREGOR KNEW THAT WRITING IN HIS "OFFICIAL CERTIFICATE OPINION WERE DESIGN FOR PURPOSE OF CONCEALMENT OF MATERIAL FACTS IN A MATTER WITHIN THE JURISDICTION OF SAID COURT TO REVIEW AND CONSIDER AT COM. V. THOMAS L. TERRY, SUPRA, DATED 7/6-9, 1993, CONCERNING THE FALSE EVIDENCE THAT PLAINTIFF WIFE RECEIVED TWENTY (20) STITCHES IN HER HEAD, TO WHICH U.S. MAGISTRATE JUDGE CALAZZA AND DONETTA W. AMBROSE, ADOPTED TRIAL JUDGE MCGREGOR'S FRAUDULENT OPINION THEREIN IS REPORT DATED 1/11/01, U.S.C.A. AMENDS 5TH, 8TH, 14TH, AMENDMENTS, SEE 18 U.S.C. §§ 1001, 1018, SHOWS AND ESTABLISHES, BY CLEAR AND CONVINCING EVIDENCE OF RECORD.

54. DEFENDANT MARGARET GOLD ESQ., PUBLIC DEFENDER WILLFULLY REFUSED TO DISCLOSE THE CONSPIRACY INSTITUTED BY DETECTIVE JAMES HEYL, RACHELLE TERRY, LAURA FLECK, KEMBERKELEY CLARK, JUDGE MCGREGOR, THEREWITH COMMONWEALTH WITNESSES ON 7-6-9-93, MARGARET GOLD, WAS INFORMED BY THOMAS L. TERRY, OF THE PERJURIOUS TESTIMONY OF WITNESSES AT TRIAL AND DURING MOTION FOR NEW TRIAL AND/OR ARREST OF JUDGMENT NUNC PRO TUNC HEARING ON 7/23/93, OF THE CONSPIRACY.

55. DEFENDANT HELEN LYNCH, FAIL TO INFORM THE AUTHORITY EMPOWERED TO INVESTIGATE OR ACT UPON MALICIOUS FRAUD BEING PERPETRATED UPON THE COURT AND IN THE PRESENCE OF THE COURT OF COMMON PLEAS ON 7-6-9-93, AND PCRA HEARING.

56. EXPERT WITNESS DOCTOR PLANTLONE THE EMERGENCY ROOM PHYSICIAN WHO EXAMINED HER MRS TERRY, DID NOT FIND ANYTHING SIGNIFICANTLY WRONG WITH MRS RACHELLE TERRY NEUROLOGIC EXAM, THE EMERGENCY ROOM DOCTOR WAS AMITTING PHYSICIAN ON 9-24-91, DOCTOR PANTALONE (TR. 214-216) THE RECORDS STATED THAT MRS RACHELLE TERRY WOUND AND WITH OUT ANY OR AT LEAST AS FAR AS HER RECORDS THEY ARE SUPERFICIAL WOUND ACCORDING TO HER REPORTS (216-220), THE SPEECH TEST THAT WAS CONDUCTED BY SPEECH PATHOLOGIST DEBORAH WILSON DURING MRS RACHELLE TERRY'S STAY AT HOSPITAL THE INJURIES TO THE K SKULL WERE ALSO DECRIBED BY MS. WILSON TO BE SUPERFICIAL.

57. THE EFFORT DESCRIBED IN THE PROCEEDING PARAGRAH 44-63 ARE CONSPIRATORIAL IN NATURE AND HAS INVOLVER DEFENDANT'S DETECTIVE JAMES HEYL, POLICE OFFICER, AND DR. LAURA FLECK M.D. HAS THE AUTHORITY OF DISCIPLINE, INVESTIGATION AND/TRAINING, WHICH IN THE INSTANT CASE, PLAINTIFF SUFFERS MENTALLY, MEDICAL CONDITIONS EACH DEFENDANT KNEW ABOUT AND THE FALSE TESTIMONY, FAILED TO DISCIPLINE, INVESTIGATION AND/OR PROVIDE ADEQUATE TRAINING TO SUBORDINATE EMPLOYEE'S.

58. ALL OF THE DEFENDANT'S ACTED IN THEIR OFFICIAL CAPACITIES WITHIN THE ACTS/ INACTION OF AMINISRATION/OFFICIAL AND INDIVIDUALLY AND PERSONALLY, EACH KNEW THAT EMPLOYEE'S WILL CONFRONT A PARTICULAR SITUATION; THE INVOLVES A DIFFICULT CHOICE AND HISTORY OF EMPLOYEE'S MISHANDLING, AND THE WRONG CHOICE AND HISTORY OF EMPLOYEE'S MISHANDLING, AND THE WRONG CHOICE AND FREQUENTLY CAUSE DEPRIVATION OF CONSTITUTIONAL RIGHTS.

59. DEFENDANT'S MRS RACHELLE TERRY, AND ROBERT E. COLVILLE, KIMBERKELEY CLARK, STEPHEN A. ZAPPALA JR., MARGARET GOLD, AND HELEN LYNCH, DR. LAURA FLECK, ARE TRAINED ADMINISTRATOR'S POLITICIANS AND ACTED AS WITHIN THE INSTANT CASE, DUE TO THE PRACTICE OF DESCRIMINATION, PREJUDICE, WITHOUT AN ADQUATE, LEGAL AND/OR PUBLIC INTEREST WITHIN CORRUPT.

DEFENDANT'S FALSE, PERJURED STATEMENT, TAMPERING WITH EVIDENCE AND OTHER VIOLATIONS FOR POLITCIANAL GAINS AND/OR PUBLIC INTEREST WITHIN CORRUPT, FALSE, PERJURED STATEMENTS, TAMPERING WITH EVIDENCE, AND OTHER VIOLATION FOR FUNINARY, POLITIVAL GAINS AND/OR HUMORIUMS.

60. DEFENDANT'S FALSE, PERJURED STATEMENT, TAMPERING WITH EVIDENCE AND OTHER VIOLATIONS FOR POLITCIANAL GAINS AND/OR PUBLIC INTEREST WITHIN CORRUPT, FALSE, PERJURED STATEMENTS, TAMPERING WITH EVIDENCE, AND OTHER VIOLATION FOR FUNINARY, POLITIVAL GAINS AND/OR HUMORIUMS.

61. ALL OF THE DEFENDANT'S ARE GUILTY OF DECRIMINATION, TAMPERING WITH OFFICIAL DOCUMENTS ABUSE OF OFFICE,PERJURY WHICH AMOUNTS TO FRAUD, ALSO DELIBERATE INDIFFERENCE, EQUAL PROTECTION, CRUEL AND UNUSAL PUNISHMENT, AND CONSPIRACY.

62. WHEREFORE, PLAINTIFF SEEKS COMPENSATORY DAMAGES FOR THEIR ACT'S /ACTIONS, AND/OR INACTIONS, PUTIVE DAMAGES FOR MALICIOUS, CALIOUS, INTENTIONAL ACT'S/ACTION'S AND GARNISHMENT OF WAGES, ASSETS, PROPERTY, AND REAL PROPERTY OF EACH DEFENDANT INDIVIDUALLY.

63. EACH DEFENDANT HAS AND CONTINUES TO PERPETUATE THE SYSTEMATED ALIKE, WHOM ARE AN/OR HAVE BEEN VIOLATED BY THEIR ACT'S ACTION/INACTIONS OF INADEQUATE, FRAUDULENT, WHICH ARE BASED UPON COLOR.

64. COURT REQUIRES A SHOWING THAT AN OFFICER OF THE COURT WHOSE JUDGMENT IS UNDER ATTACK IN A MANNER THAT IS INTENTIONALLY FALSE, WILLFULLY BLIND TO THE TRUTH OR IS IN RECKLESS DISREGARD FOR THE TURT CHAMBERS V. NASCE INC., 501 U.S. 32, 44, 111 S.Ct. 2123, 115 L.Ed 27 (1991) quoting HAZEL-ATLAS GLASS CO. V. HARTFORD-EMPIRE CO., 322 U.S. 238, 245, 64 S.Ct.997, 88 L.Ed 1250 (1994).

65. ANTITERRORISM AND EFFECTIVE PENALTY ACT'S GATEKEEPING RESTRICTIONS ON SECOND OR SUCCESSIVE HABEAS CORPUS PETITION DO NOT VIOLATE SUPENSION CLAUSE; SUCH U.S.C.A. CONST. ART. 1, § CL 2; 28 U.S.C.A. § 2244(b)(3)(a) SEE, CALDERON V. THOMPSON, 523 U.S. 538, 556-557, 118 S.Ct. 1489, 140 L.Ed. 2d 728(1989).

RELIEF

WHEREFORE, FOR THE SPECIFIC REASONS STATED IN LIGHT OF INDISPUTABLE MATERIAL FACTS, CLEAR AND CONVINCING EVIDENCE IN SUPPORT THEREOF AND LEGAL AUTHORITIES THERETO, YOUR PLAINTIFF RESPECTFULLY THAT HIS COMPLAINT AND AMENDED COMPLAINT AND REQUEST FOR FEDERAL HABEAS CORPUS PETITION BE GRANTED UNDER ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT (AEDPA), AND APPOINTMRNT OF COUNSEL BE GRANTED, (1) A CREDIBLE SHOWING THAT THE DISTRICT COURT'S PROCEDURAL RULING WAS INCORRECT, AND (2) A SUBATANTIAL SHOWING THAT THE UNDERLYING HABEAS PETITION ALLEGES A DEPRIVATION OF CONSTITUTIONAL RIGHTS 28 U.S.C. § 2253(C) AND BECAUSE OF PLAINTIFF APPARENT EVIDENCE ON THE FACE OF THE RECORD OF HIS INNOCENCE OF CRIMES CHARGED AT COM. V. THOMAS L. TERRY, SUPRA, .

AND THAT PLAINTIFF BE GRANTED AN EVIDENTARY HEARING ON HIS GROUND 1-65 OF THE COMPLAINT IN QUESTION, WHEREIN HE HAS ALLEGED FACTS WHICH, IF PROVED AND INVESTIGATED WOULD REQUIRED TO ESTABLISH THE TRUTH OF HIS FACTUAL ALLEGATIONS AS THE COURT DECLARED IN HARRIS V. PULLEY, 852 F.2d 1546 (9TH CIR.1988), cf. JACKSON V. VIRIGINA, 443 U.S. 307, 318 (1979)("A FEDERAL COURT HAS A DUTY TO ASSISS THE HISTORIC FACTS TO A CONVICTION OBTAINED IN STATE COURT"). THAT PLAINTIFF APPLICATION FOR APPOINTMENT OF COUNSEL BE GRANTED, THAT YOUR PLAINTIFF BE GRANTED ANY AND ALL OTHER RELIEF THIS HONORABLE COURT DEEMS HE IS ENTITLED TO IN THE INTEREST OF THE EFFECTIVE AND EXPEDITIOUS ADMINISTRATION OF JUSTICE AND THE BUSINESS OF THIS COURT WITHIN THE MEANING OF 28 U.S.C. § 322(b)(3). THAT APPROPRIATE SANCTION BE IMPOSED ON COUNSEL(S) OF THE DISTRICT ATTORNEY OFFICE.

DATED 4-4-08.

RESPECTFULLY SUBMITTED

/s/ Thomas L. Terry

THOMAS L. TERRY, PRO SE
801 BUTLER PIKE
MERCER, PA. 16137-9651

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. TERRY,
PLAINTIFF,

VS.

CITY OF PITTSBURGH AND ROBERT E.
COLVILLE; KIMBERKELEY; STEPHEN A.
ZAPPALA JR.; RONALD WADDY; JAMES
MCGREGOR; JAMES HEYL; HELEN LYNCH;
MARGARET GOLD; LESTER G. MAUHAUS;
SHELLEY STARK; CANDACE CAIN;
FRANCIS CALAZZA; DONETTA W. AMBROSE;
RACHELLE TERRY; LAURA FLECK; IN THEIR
INDIVIDUAL AND PERSONAL CAPACITIES ARE BEING &
ARE BEING SUED.

CIVIL ACTION NO. 08-192

JURY TRIAL DEMANDED

AMENDED COMPLAINT

VERIFICATION

I THOMAS L. TERRY, HEREBY STATES THAT HE IS PLAINTIFF IN THIS ACTION AND ACTION AND STATEMENTS OF FACTS MADE IN THE FOREGOING COMPLAINT AND AMENDED COMPLAINT ARE TRUE AND CORRECT UPON PERSONAL KNOWLEDGE TO THE BEST OF HIS INFORMATION AND BELIEF. THE UNDERSIGNED UNDERSTANDS THAT THE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 PA. CONS. STAT. ANN. § 4902 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

DATED: 4-4-08.

CC:

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